

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2001 SECOND
EXTRAORDINARY SESSION**

November 8, 2001

**MARY E. KRAMER, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY
SECOND EXTRAORDINARY SESSION

State Capitol, Room 116
Des Moines, Iowa, Thursday, November 8, 2001

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Seventy-ninth General Assembly in Extraordinary Session, the Senate was called to order at 9:18 a.m. by the Honorable Mary E. Kramer, President of the Senate.

Prayer was offered by the Honorable John P. "Jack" Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

November 1, 2001

The Honorable Mary Kramer
President of the Senate
State Capitol
LOCAL

The Honorable Brent Siegrist
Speaker of the House
State Capitol
LOCAL

I hereby submit the Proclamation setting the Second Extraordinary Session of the Iowa Legislature to convene at 9:00 a.m., November 8, 2001.

Sincerely,
THOMAS J. VILSACK
Governor

STATE OF IOWA
Executive Department

In The Name And By The Authority Of The State Of Iowa

PROCLAMATION

Whereas, the 2001 Regular Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 39; and

Whereas, the nation's economy has experienced a severe downturn that has been exacerbated by the tragic events of September 11th; and

Whereas, on October 11th, the state's revenue estimating conference reduced its projection of state revenue for fiscal year 2002 by \$157.5 million; and

Whereas, by executive order, I have directed a uniform modification of allotment requests, pursuant to Iowa Code Section 8.31, to achieve an annual 4.3 percent budget reduction for fiscal year 2002; and

Whereas, the General Assembly should adopt prudent and necessary legislation to restore funds to targeted areas of the state budget, following the across-the-board budget reductions implemented by Executive Order Number Twenty-Four.

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Seventy-ninth General Assembly shall convene in extraordinary session in Des Moines, Iowa, at 9:00 a.m. on the eighth day of November, 2001, and to that end I do call up and direct the members of the House of Representatives to convene in the House Chamber at the State Capitol and members of the Senate to convene in Room 116 at the State Capitol at 9:00 a.m. on the eighth day of November, 2001, for the purpose which the assembly is convened, namely the matter of considering prudent and necessary legislation to restore funds to targeted areas of the state budget, following the annual 4.3 percent budget reduction for fiscal year 2002, and matters properly related thereto.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 1st day of November in the year of our Lord two thousand one.

THOMAS J. VILSACK, Governor

(SEAL)

Attest:

CHESTER J. CULVER
Secretary of State

ORGANIZATION OF THE SENATE

Senator Iverson moved that the determination of mileage of senators and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Second Extraordinary Session as for the 2001 Regular Session of the Seventy-ninth General Assembly.

The motion prevailed by a voice vote.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to the November 1, 2001, proclamation of the Governor, duly organized for the Second Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

The Senate stood at ease at 9:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:52 a.m., Senator Boettger presiding.

RECESS

On motion of Senator Holveck, the Senate recessed at 11:53 a.m. until the completion of meetings of the committees on State Government and Appropriations.

AFTERNOON SESSION

The Senate reconvened at 3:26 p.m., President Kramer presiding.

INTRODUCTION OF BILLS

Senate File 547, by Shearer, a bill for an act relating to the abatement of state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

Senate File 548, by Shearer, a bill for an act relating to the abatement of interest on state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

Senate File 549, by committee on Appropriations, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Read first time and placed on **Appropriations calendar**.

Senate File 550, by committee on State Government, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Read first time and **placed on calendar**.

The Senate stood at ease at 3:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:32 p.m., President Pro Tempore McKean presiding.

INTRODUCTION OF BILLS

Senate File 551, by committee on Appropriations, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

Read first time and **placed on Appropriations calendar.**

Senate File 552, by committee on Appropriations, a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Read first time and **placed on Appropriations calendar.**

Senate File 553, by committee on Appropriations, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Read first time and **placed on Appropriations calendar.**

Senate File 554, by committee on Appropriations, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Read first time and **placed on Appropriations calendar.**

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 759, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Read first time and **attached to companion Senate File 553**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Gronstal.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 760, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Read first time and **attached to companion Senate File 550**.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 551 (LSB 5038sv), a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Black.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 551.

Senate File 551

On motion of Senator Kramer, **Senate File 551**, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates, was taken up for consideration.

Senator Kramer offered amendment S-3724, filed by her from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3724 was adopted by a voice vote.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 551), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 550 (LSB 5110xc), a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 550.

Senate File 550

On motion of Senator Lamberti, **Senate File 550**, a bill for an act relating to the state general fund expenditure limitation and

budgeting practices and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that **House File 760** be **substituted** for **Senate File 550**.

House File 760

On motion of Senator Lamberti, **House File 760**, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 760), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake	Fink
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WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 550** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 551** and **House File 760** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

House File 763, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Read first time and **attached to similar Senate File 554**.

House File 764, a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Read first time and **attached to similar Senate File 552**.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 554 (LSB 5187sv), a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 554.

Senate File 554

On motion of Senator Kramer, **Senate File 554**, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Senator Kramer offered amendment S-3726, filed by her from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-3726 was adopted by a voice vote.

Senator Kramer asked and received unanimous consent that **House File 763** be **substituted** for **Senate File 554**.

House File 763

On motion of Senator Kramer, **House File 763**, a bill for an act relating to the establishment of a hospital trust fund, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 763), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser

Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Kramer asked and received unanimous consent that **Senate File 554** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 763** be **immediately messaged** to the House.

President Kramer took the chair at 6:05 p.m.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 552 (LSB 5176sv), a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Deluhery, Gaskill, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 6: Bolkcom, Connolly Dvorsky, Fiegen, Hammond, and Soukup. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 552.

Senate File 552

On motion of Senator Veenstra, **Senate File 552**, a bill for an act relating to the reorganization of the department of human services and providing an effective date, was taken up for consideration.

Senator Veenstra offered amendment S-3729, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-3729 was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that **House File 764** be substituted for **Senate File 552**.

House File 764

On motion of Senator Veenstra, **House File 764**, a bill for an act relating to the reorganization of the department of human services and providing an effective date, was taken up for consideration.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 764), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Deluhery	Drake	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Horn
Houser	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 10:

Bolkcom
Fiegen
Shearer

Connolly
Hammond
Soukup

Dearden
Holveck

Dvorsky
McCoy

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 552** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 764** be **immediately messaged** to the House.

The Senate stood at ease at 6:28 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:39 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the House was asked:

Senate File 551, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per

supervisor and to evaluate the state's job classification system, and providing effective dates.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 553 (LSB 5152sv), a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 553.

Senate File 553

On motion of Senator Lamberti, **Senate File 553**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that **House File 759** be substituted for **Senate File 553**.

House File 759

On motion of Senator Lamberti, **House File 759**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001,

and including effective date and applicability provisions, was taken up for consideration.

Senator Flynn offered amendment S-3727, filed by Senator Flynn, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3727 be adopted?” (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3727 lost.

Senator Dvorsky offered amendment S-3720, filed by Senator Dvorsky, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3720 be adopted?” (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3720 lost.

Senator Connolly offered amendment S-3722, filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3722 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3722 lost.

Senator Kibbie offered amendment S-3723, filed by Senator Kibbie, et al., from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3723 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3723 lost.

Senator Hammond offered amendment S-3725, filed by Senator Hammond, et al., from the floor to pages 9 and 10 of the bill.

Senator Hammond called for the following division of amendment S-3725:

Division S-3725A: Lines 3-21; and

Division S-3725B: Lines 22-33.

Senator Hammond moved the adoption of division S-3725A.

A record roll call was requested.

On the question "Shall division S-3725A be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Division S-3725A lost.

Senator Hammond asked and received unanimous consent that action on division S-3725B be deferred.

Senator Hansen offered amendment S-3719, filed by Senator Hansen, et al., from the floor to page 10 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3719 be adopted?” (H.F. 759), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Miller	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Houser
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

Fink

Amendment S-3719 lost.

The Senate resumed consideration of division S-3725B, previously deferred.

Senator Hammond asked and received unanimous consent to withdraw division S-3725B.

Senator King offered amendment S-3730, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3730 be adopted?” (H.F. 759), the vote was:

Ayes, 5:

Freeman	King	Miller	Rehberg
Zieman			

Nays, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Redfern
Redwine	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra

Absent or not voting, 1:

Fink

Amendment S-3730 lost.

Senator King offered amendment S-3731, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3731 be adopted?" (H.F. 759), the vote was:

Ayes, 4:

King	Miller	Rehberg	Zieman
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Nays, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Johnson	Kibbie
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Redfern	Redwine	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Absent or not voting, 1:

Fink

Amendment S-3731 lost.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 759), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Hammond

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 553** be **withdrawn** from further consideration of the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 762, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Read first time and **attached to similar Senate File 549**.

ALSO: That the House has on November 8, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 42, a concurrent resolution to provide for adjournment sine die.

Read first time and **passed on file**.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: *SENATE FILE 549 (LSB 5174sv), a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 549, and they were attached to the committee report.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, until she returns, on request of Senator Gronstal.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 549.

Senate File 549

On motion of Senator Angelo, **Senate File 549**, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date, was taken up for consideration.

Senator Angelo offered amendment S-3721, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3721 was adopted by a voice vote.

Senator Bartz offered amendment S-3718, filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment S-3718 was adopted by a voice vote.

Senator Angelo offered amendment S-3728, filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment S-3728 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent that **House File 762** be **substituted** for **Senate File 549**.

House File 762

On motion of Senator Angelo, **House File 762**, a bill for an act relating to homeland security by authorizing the governor and other

state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 762), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	Soukup
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Angelo asked and received unanimous consent that **Senate File 549** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 759** and **762** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 42.

Senator Gronstal moved to waive the Rules and Administration committee meeting with respect to House Concurrent Resolution 42.

The motion prevailed by a voice vote.

House Concurrent Resolution 42

On motion of Senator Iverson **House Concurrent Resolution 42**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 42, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 42** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE
GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and to the House to inform them that the Senate was prepared to adjourn sine die pursuant to House Concurrent Resolution 42.

The motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House is prepared to adjourn the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 42, duly adopted.

MOTION TO ADJOURN ADOPTED

Senator Iverson moved that the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly adjourn sine die in accordance with House Concurrent Resolution 42, duly adopted.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 42, duly adopted, the day of November 8, 2001, having arrived, President Kramer declared the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau during the 2001 interim:

July 10, 2001

DEPARTMENT OF TRANSPORTATION

2001 Airport Sufficiency Summary Report, pursuant to Iowa Code section 328.12.

July 12, 2001

DEPARTMENT OF JUSTICE

Report from the Consumer Advocate relating to price regulation for telecommunications services, pursuant to Iowa Code Chapter 475A.

July 23, 2001

DEPARTMENT OF HUMAN SERVICES

Iowa Federation of Families for Children's Mental Health report on family recommendations as developed at the Iowa Family Choices Conferences.

August 15, 2001

ALCOHOLIC BEVERAGES DIVISION

66th Annual Report for July 1, 1999 – June 30, 2000.

August 21, 2001

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Report to the Governor and General Assembly.

August 24, 2001

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Report on Escalation Program, pursuant to Iowa Code section 411.6.

August 29, 2001

DEPARTMENT OF NATURAL RESOURCES

Iowa's 2000 Public Drinking Water Program Annual Compliance Report.

September 17, 2001

BOARD OF REGENTS

Annual report on College Bound and IMAGES programs, pursuant to Iowa Code sections 262.92 and 269.93.

DEPARTMENT OF TRANSPORTATION

Fiscal Year 2001 report of highway construction program, pursuant to Iowa Code section 307.12(14).

September 28, 2001

DEPARTMENT OF PERSONNEL

An Annual Review of Affirmative Action in the Executive Branch of State Government, pursuant to Iowa Code section 19B.5.

October 9, 2001

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Seventh Annual Report of the Office of Renewable Fuels and Co-Products — summary of activities July 1, 2000, to June 30, 2001.

DEPARTMENT OF TRANSPORTATION

2001 Iowa Primary Road Sufficiency Log, pursuant to Iowa Code section 307A.2(12).

October 18, 2001

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Iowa Watershed Task Force Report 2001, pursuant to Iowa Code section 161C.7.

October 22, 2001

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Annual Report updated pages reflecting the actual end of Fiscal Year 2001 expenditures and receipts (replacement pages).

DEPARTMENT OF PUBLIC SAFETY

2000 Incident-Based Iowa Uniform Crime Report — notification that the report in electronic form is available online.

October 31, 2001

DEPARTMENT OF TRANSPORTATION

Report of the Secondary Road Research Fund and Report of the Street Research Fund for the FY ending June 30, 2001, pursuant to Iowa Code sections 310.36 and 312.3A — notification that the reports in electronic form are available online.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: November 8, 2001, 1:39 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed LSBs 5038xc, 5152xc, 5174xc, 5176xc, and 5187xc.

Adjourned: 3:15 p.m.

STATE GOVERNMENT

Convened: November 8, 2001, 12:08 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, Maddox, McKean, Rittmer, and Sexton.

Members Absent: None.

Committee Business: Passed LSB 5110xc.

Adjourned: 12:30 p.m.

SUBCOMMITTEE ASSIGNMENTS

LSB 5038xc

APPROPRIATIONS: Kramer, Chair; Connolly and Lamberti

LSB 5110xc

STATE GOVERNMENT: Lamberti, Chair; Kibbie and King

LSB 5152xc

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

LSB 5174xc

APPROPRIATIONS: Angelo, Chair; Dvorsky and Jensen

LSB 5176xc

APPROPRIATIONS: Veenstra, Chair; Hammond and Lamberti

LSB 5187xc

APPROPRIATIONS: Kramer, Chair; Hammond and Veenstra

COMPANION BILLS RECEIVED

On November 8, 2001, House File 759 was received and attached to companion Senate File 553 on the Senate calendar.

ALSO:

On November 8, 2001, House File 760 was received and attached to companion Senate File 550 on the Senate calendar.

SIMILAR BILLS RECEIVED

On November 8, 2001, House File 762 was received and attached to similar Senate File 549 on the Senate calendar.

ALSO:

On November 8, 2001, House File 763 was received and attached to similar Senate File 554 on the Senate calendar.

ALSO:

On November 8, 2001, House File 764 was received and attached to similar Senate File 552 on the Senate calendar.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of November, 2001:

Senate File 551.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-3718	S.F.	549	Merlin E. Bartz
S-3719	H.F.	759	Steven D. Hansen
			Matt McCoy
			Jack Holveck
			John P. Kibbie
			Michael E. Gronstal
			Robert E. Dvorsky
			Johnie Hammond
			Patricia Harper
			Joe Bolkcom
			Mike Connolly
			Tom Flynn
			Thomas Fiegen
			Betty A. Soukup
			Mark Shearer
			Dennis H. Black
			Wally E. Horn
S-3720	H.F.	759	Robert E. Dvorsky
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
S-3721	S.F.	549	Jeff Angelo
S-3722	H.F.	759	Mike Connolly
S-3723	H.F.	759	John P. Kibbie
			Wally E. Horn
			Steven D. Hansen
			Jack Holveck

			Eugene S. Fraise
			Betty A. Soukup
			Joe Bolkcom
			Patricia Harper
			Thomas Fiegen
			Mark Shearer
			Tom Flynn
			Dennis H. Black
S-3724	S.F.	551	Mary E. Kramer
S-3725	H.F.	759	Johnie Hammond
			Thomas L. Fiegen
			Patricia Harper
			Betty A. Soukup
S-3726	S.F.	554	Mary E. Kramer
S-3727	H.F.	759	Tom Flynn
			Michael E. Gronstal
			John P. Kibbie
			Dennis H. Black
			Jack Holveck
			Patricia Harper
			Joe Bolkcom
			Eugene S. Fraise
S-3728	S.F.	549	Jeff Angelo
S-3729	S.F.	552	Ken Veenstra
S-3730	H.F.	759	Steve King
S-3731	H.F.	759	Steve King

SENATE BILL APPROVED
SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2001 Second Extraordinary Session:

S.F. 551 – Relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state’s job classification system, and providing effective dates. Approved November 19.

AMENDMENTS FILED

During the

Seventy-Ninth General Assembly

2001 Second Extraordinary Session

S-3718

1 Amend Senate File 549 as follows:

2 1. Page 10, by inserting after line 23, the

3 following:

4 "Sec. 100. DEFINITION -- MILITARY SERVICE. For
5 the purposes of sections 100 through 106, "military
6 service" means full-time active state service, as
7 defined in section 29A.1, or full-time state active
8 duty, as defined in section 29A.1, for a period of at
9 least ninety consecutive days.

10 Sec. 101. EVICTION OR DISTRESS DURING MILITARY
11 SERVICE -- STAY -- PENALTY FOR NONCOMPLIANCE --
12 ALLOTMENT OF PAY FOR PAYMENT.

13 1. No eviction or distress shall be made during
14 the period of military service in respect of any
15 premises for which the agreed rent does not exceed one
16 thousand two hundred dollars per month, occupied
17 chiefly for dwelling purposes by the spouse, child, or
18 other dependent of a person in military service,
19 except upon leave of court granted upon application or
20 granted in an action or proceeding affecting the right
21 of possession.

22 2. On any such application as provided in
23 subsection 1, or in any such action as provided in
24 subsection 1, the court may, in its discretion, on its
25 own motion, and shall, on application, unless in the
26 opinion of the court the ability of the tenant to pay
27 the agreed rent is not materially affected by reason
28 of such military service, stay the proceedings for not
29 longer than three months. Where such stay is granted
30 or other order is made by the court, the owner of the
31 premises shall be entitled, upon application, to
32 relief in respect of such premises similar to that
33 granted persons in military service in sections 102
34 and 103 of this Act to such extent and for such period
35 as may appear to the court to be just.

36 Sec. 102. INSTALLMENT CONTRACTS FOR PURCHASE OF
37 PROPERTY.

38 1. No person who has received, or whose assignor
39 has received, under a contract for the purchase of
40 real or personal property, or of lease or bailment
41 with a view to purchase of such property, a deposit or
42 installment of the purchase price, or a deposit or
43 installment under the contract, lease, or bailment,
44 from a person or from the assignor of a person who,
45 after the date of payment of such deposit or
46 installment, has entered military service, shall
47 exercise any right or option under such contract to
48 rescind or terminate the contract or resume possession
49 of the property for nonpayment of any installment due
50 or for any other breach of its terms occurring prior

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1 to or during the period of such military service,
2 except by action in a court of competent jurisdiction.

3 2. Upon the hearing of such action as provided in
4 subsection 1, the court may order the repayment of
5 prior installments or deposits or any part, as a
6 condition of terminating the contract and resuming
7 possession of the property, or may, in its discretion,
8 on its own motion, and shall, on application to it by
9 such person in military service or some person on the
10 person's behalf, order a stay of proceedings as the
11 court deems just, unless in the opinion of the court,
12 the ability of the defendant to comply with the terms
13 of the contract is not materially affected by reason
14 of such service; or it may make such other disposition
15 of the case as may be equitable to conserve the
16 interests of all parties.

17 Sec. 103. MORTGAGES, TRUST DEEDS, OR OTHER
18 SECURITY.

19 1. The provisions of this section shall apply only
20 to obligations secured by mortgage, trust deed, or
21 other security in the nature of a mortgage upon real
22 or personal property owned by a person in military
23 service at the commencement of the period of the
24 military service and still so owned by the person
25 which obligations originated prior to the person's
26 period of military service.

27 2. In any proceeding commenced in any court during
28 the period of military service to enforce such
29 obligation as provided in subsection 1 arising out of
30 nonpayment of any sum due or out of any other breach
31 of the terms of the mortgage, trust deed, or other
32 security occurring prior to or during the period of
33 such service the court may, after hearing, in its
34 discretion, on its own motion, and shall, on
35 application to it by such person in military service
36 or some person on the defendant's behalf, unless in
37 the opinion of the court the ability of the defendant
38 to comply with the terms of the obligation is not
39 materially affected by reason of the defendant's
40 military service, do any of the following:

41 a. Stay the proceedings for such period as the
42 court deems just.

43 b. Make such other disposition of the case as may
44 be equitable to conserve the interests of all parties.

45 3. No sale, foreclosure, or seizure of property
46 for nonpayment of any sum due under any such
47 obligation as provided in subsection 1, or for any
48 other breach of the terms thereof, whether under a
49 power of sale, under a judgment entered upon warrant
50 of attorney to confess judgment contained therein, or

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1 otherwise, shall be valid if made during the period of
2 military service or within three months thereafter,
3 except pursuant to an agreement between the parties,
4 unless upon an order previously granted by the court
5 and a return thereto made and approved by the court.

6 Sec. 104. TERMINATION OF LEASES BY LESSEES.

7 1. The provisions of this section shall apply to
8 any lease covering premises occupied for dwelling,
9 professional, business, agricultural, or similar
10 purposes in any case in which such lease was executed
11 by or on the behalf of a person who, after the
12 execution of such lease, entered military service.

13 2. Any such lease as provided in subsection 1 may
14 be terminated by notice in writing delivered to the
15 lessor or to the lessor's agent by the lessee at any
16 time following the date of the beginning of the period
17 of military service. Delivery of such notice may be
18 accomplished by placing it in an envelope properly
19 stamped and duly addressed to the lessor or to the
20 lessor's agent and depositing the notice in the United
21 States mail. Termination of any such lease providing
22 for monthly payment of rent shall not be effective
23 until thirty days after the first date on which the
24 next rental payment is due and payable subsequent to
25 the date when such notice is delivered or mailed. In
26 the case of all other leases, termination shall be
27 effected on the last day of the month following the
28 month in which such notice is delivered or mailed and
29 in such case any unpaid rental for a period preceding
30 termination shall be proratably computed and any
31 rental paid in advance for a period succeeding
32 termination shall be refunded by the lessor. Upon
33 application by the lessor to the appropriate court
34 prior to the termination period provided for in the
35 notice, any relief granted in this subsection shall be
36 subject to such modifications or restrictions as in
37 the opinion of the court justice and equity may in the
38 circumstances require.

39 Sec. 105. MAXIMUM RATE OF INTEREST. No obligation
40 or liability bearing interest at a rate in excess of
41 six percent per year incurred by a person in military
42 service before that person's entry into that service
43 shall, during any part of the period of military
44 service, bear interest at a rate in excess of six
45 percent per year unless, in the opinion of the court,
46 upon application thereto by the obligee, the ability
47 of such person in military service to pay interest
48 upon such obligation or liability at a rate in excess
49 of six percent per year is not materially affected by
50 reason of such service, in which case the court may

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1 make such order as in its opinion may be just. As
2 used in this section the term "interest" includes
3 service charges, renewal charges, fees, or any other
4 charges, except bona fide insurance, in respect of
5 such obligation or liability.
6 Sec. 106. PROVISIONS APPLY NOTWITHSTANDING
7 CONTRARY CODE PROVISIONS. Sections 100 through 105 of
8 this Act apply notwithstanding any contrary provision
9 of state law, which may include but is not limited to
10 Titles XIII, XIV, and XV.
11 Sec. 107. Sections 100 through 106 of this Act are
12 repealed on January 31, 2002."
13 2. Page 10, line 27, by inserting after the word
14 "date" the following: ", except that sections 100
15 through 106 of this Act shall not be applied
16 retroactively".
17 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3719

1 Amend House File 759, as passed by the House, as
2 follows:
3 1. Page 10, line 13, by striking the figure
4 "108,688,725" and inserting the following:
5 "109,888,725".
6 2. Page 10, by inserting after line 26 the
7 following:
8 "Sec. ____ COURT APPOINTED SPECIAL ADVOCATE
9 PROGRAM. The judicial branch shall not eliminate the
10 court appointed special advocate program and shall
11 maintain the funding level for the program originally
12 authorized as of July 1, 2001."
13 3. By renumbering as necessary.

STEVEN D. HANSEN
MATT McCOY
JACK HOLVECK
JOHN P. KIBBIE
MICHAEL E. GRONSTAL
ROBERT E. DVORSKY
JOHNIE HAMMOND
PATRICIA HARPER
JOE BOLKCOM
MIKE CONNOLLY
TOM FLYNN
THOMAS FIEGEN
BETTY A. SOUKUP

MARK SHEARER
DENNIS H. BLACK
WALLY E. HORN

S-3720

1 Amend House File 759, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 31, the
4 following:
5 "Sec. ____ 2001 Iowa Acts, chapter 181, section 4,
6 is amended to read as follows:
7 SEC. 4. WORK-STUDY APPROPRIATION NULLIFICATION FOR
8 FY 2001-2002. Notwithstanding section 261.85, for the
9 fiscal year beginning July 1, 2001, and ending June
10 30, 2002, the amount appropriated for the work-study
11 program under section 261.85 shall be ~~zero~~
12 \$1,000,000."
13 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOE BOLKCOM
PATRICIA HARPER
JOHNIE HAMMOND

S-3721

1 Amend Senate File 549 as follows:
2 1. Page 1, line 23, by inserting after the word
3 "infrastructure" the following: "and assets".

JEFF ANGELO

S-3722

1 Amend House File 759, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 8, the
4 following:
5 "Sec. ____ IOWA EMPOWERMENT FUND. After applying
6 the reduction made pursuant to executive order number
7 24 to the appropriation made for the Iowa empowerment
8 fund, there is appropriated from the general fund of
9 the state to the department of education for the
10 fiscal year beginning July 1, 2001, and ending June
11 30, 2002, the following amount, or so much thereof as
12 is necessary, to supplement the following
13 appropriation:
14 To supplement the appropriation made in 2001 Iowa
15 Acts, chapter 181, section 6, subsection 10, for
16 deposit in the school ready children grants account of

17	the Iowa empowerment fund created in section 28.9:	
18	.....	\$ 630,552"
19	2. By renumbering as necessary.	

MIKE CONNOLLY

S-3723

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 23, by striking the figure
- 4 "1,000,000" and inserting the following: "3,000,000".

JOHN P. KIBBIE
WALLY E. HORN
STEVEN D. HANSEN
JACK HOLVECK
EUGENE S. FRAISE
BETTY A. SOUKUP
JOE BOLKCOM
PATRICIA HARPER
THOMAS FIEGEN
MARK SHEARER
TOM FLYNN
DENNIS H. BLACK

S-3724

- 1 Amend Senate File 551 as follows:
- 2 1. Page 4, by striking lines 8 through 10 and
- 3 inserting the following: "regents if the board elects
- 4 to participate in the program, and an employee of the
- 5 department of".

MARY E. KRAMER

S-3725

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 9, by inserting after line 15 the
- 4 following:
- 5 "Sec. ___. DEPARTMENT OF HUMAN SERVICES. There is
- 6 appropriated from the Iowa economic emergency fund to
- 7 the department of human services for the fiscal year
- 8 beginning July 1, 2001, and ending June 30, 2002, the
- 9 following amounts, or so much thereof as is necessary,
- 10 to be used for the purposes designated:
- 11 1. For the medically needy program in the medical
- 12 assistance program which shall be continued throughout
- 13 the fiscal year beginning July 1, 2001:

14	.....	\$	12,500,000
15	2. For the family investment program:		
16	.....	\$	1,500,000
17	3. For child and family services:		
18	.....	\$	4,500,000
19	4. For additional program support as determined by		
20	the director of human services:		
21	.....	\$	300,000"
22	2. Page 10, by inserting after line 26 the		
23	following:		
24	"Sec. ____.		
25	COURT APPOINTED SPECIAL ADVOCATE		
26	PROGRAM. There is appropriated from the Iowa economic		
27	emergency fund to the judicial branch for the fiscal		
28	year beginning July 1, 2001, and ending June 30, 2002,		
29	the following amounts, or so much thereof as is		
30	necessary, to be used for the purpose designated:		
31	For the court appointed special advocate program		
32	which shall be continued throughout the fiscal year		
33	beginning July 1, 2001:		
34	.....	\$	1,200,000"
	3. By renumbering as necessary.		

JOHNIE HAMMOND
THOMAS FIEGEN
PATRICIA HARPER
BETTY A. SOUKUP

S-3726

- 1 Amend Senate File 554, as follows:
- 2 1. Page 1, line 5, by striking the words "Health
- 3 Services" and inserting the following: "Hospital".
- 4 2. Page 1, line 12, by striking the words "health
- 5 services" and inserting the following: "hospital".
- 6 3. Page 1, line 19, by striking the words "health
- 7 services" and inserting the following: "hospital".
- 8 4. Page 1, line 21, by striking the words "HEALTH
- 9 SERVICES" and inserting the following: "HOSPITAL".
- 10 5. Page 1, by striking lines 27 through 30.
- 11 6. Page 1, by inserting after line 31, the
- 12 following:
- 13 "____. "Hospital Trust Fund" means the fund created
- 14 in this chapter to secure funds based on hospital
- 15 inpatient and outpatient prospective payment
- 16 methodologies under the medical assistance program."
- 17 7. Page 1, by striking lines 32 through 35.
- 18 8. Page 2, line 4, by striking the words "HEALTH
- 19 SERVICES" and inserting the following: "HOSPITAL".
- 20 9. Page 2, line 6, by striking the words "health
- 21 services" and inserting the following: "hospital".
- 22 10. Page 2, line 8, by striking the words
- 23 "intergovernmental transfer".

- 24 11. Page 2, by striking lines 12 through 17.
- 25 12. Page 2, by striking lines 21 through 24, and
- 26 inserting the following:
- 27 "4. The trust fund shall be separate from the
- 28 general fund of the".
- 29 13. Page 3, by striking lines 1 and 2, and
- 30 inserting the following: "for participation by public
- 31 hospitals."
- 32 14. Page 3, by striking lines 5 through 16.
- 33 15. Page 3, line 35, by striking the word
- 34 "federal".
- 35 16. Title page, line 1, by striking the words
- 36 "health services" and inserting the following:
- 37 "hospital".
- 38 17. By renumbering as necessary.

MARY E. KRAMER

S-3727

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "___ For personal property tax replacement
- 6 payments in section 405A.8:
- 7\$ 2,420,365
- 8 ___ For the homestead tax credit in section
- 9 425.1:
- 10\$ 4,854,700
- 11 ___ For the extraordinary property tax credit and
- 12 reimbursement in section 425.39:
- 13\$ 688,000
- 14 ___ For the agricultural land tax credit in
- 15 section 426.1, including \$430,000 for deposit in the
- 16 family farm tax credit fund in section 425A.1:
- 17\$ 1,681,300
- 18 ___ For the military service tax credit in
- 19 section 426A.1A:
- 20\$ 116,100"
- 21 2. By renumbering as necessary.

TOM FLYNN
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 DENNIS H. BLACK
 JACK HOLVECK
 PATRICIA HARPER
 JOE BOLKCOM
 EUGENE S. FRAISE

S-3728

- 1 Amend Senate File 549 as follows:
 2 1. Page 10, by inserting after line 23, the
 3 following:
 4 "Sec. 100. TASK FORCE ON HOMELAND SECURITY AND
 5 DEFENSE.
 6 1. A task force is created to consider and report
 7 on the state's preparedness to respond to emergencies
 8 that threaten the state's security. The task force
 9 shall study issues relating to the detection,
 10 prevention, preemption, and deterrence of, and
 11 protection against, attacks targeted at state
 12 territory, population, and infrastructure. The task
 13 force shall solicit information from local and state
 14 government officials, from the Iowa national guard,
 15 and from any other person or entity deemed appropriate
 16 relating to the state's preparedness to respond to
 17 emergencies that threaten the state's security.
 18 2. The members of the task force shall be
 19 appointed as follows:
 20 a. One member appointed by the governor.
 21 b. One member appointed by the majority leader of
 22 the senate.
 23 c. One member appointed by the speaker of the
 24 house of representatives.
 25 d. One member appointed by the minority leader of
 26 the senate.
 27 e. One member appointed by the minority leader of
 28 the house of representatives.
 29 3. The task force shall report to the general
 30 assembly and the governor by January 15, 2002."
 31 2. By renumbering as necessary.

JEFF ANGELO

S-3729

- 1 Amend Senate File 552 as follows:
 2 1. Page 6, by striking lines 4 through 8.
 3 2. By renumbering as necessary.

KEN VEENSTRA

S-3730

- 1 Amend House File 759, as passed by the House, as
 2 follows:
 3 1. Page 11, by inserting after line 22 the
 4 following:
 5 "DIVISION ____
 6 FUND TRANSFERS

7 Sec. ____ VISION IOWA FUND -- TRANSFER TO REBUILD
 8 IOWA INFRASTRUCTURE FUND. Notwithstanding sections
 9 12.71 through 12.77, sections 15F.101 through 15F.106,
 10 sections 15F.301 through 15F.304, or any other
 11 provision of law to the contrary, moneys in the vision
 12 Iowa fund that are unencumbered, unobligated, or not
 13 otherwise committed for a project approved for funding
 14 by the vision Iowa board on the effective date of this
 15 Act, shall be transferred to the rebuild Iowa
 16 infrastructure fund. Moneys transferred to the
 17 rebuild Iowa infrastructure fund pursuant to this
 18 section shall be used for infrastructure projects
 19 related to recreation, education, entertainment, and
 20 cultural activities.

21 Sec. ____ REBUILD IOWA INFRASTRUCTURE FUND --
 22 APPROPRIATION TO ECONOMIC EMERGENCY FUND.
 23 Notwithstanding section 8.57, subsection 5, paragraph
 24 "e", a sum equal to the amount transferred to the
 25 rebuild Iowa infrastructure fund, pursuant to the
 26 section of this division of this Act transferring
 27 vision Iowa fund moneys to the rebuild Iowa
 28 infrastructure fund, is appropriated to the economic
 29 emergency fund from the rebuild Iowa infrastructure
 30 fund for the fiscal year beginning July 1, 2001, and
 31 ending June 30, 2002.

32 Sec. ____ UNENCUMBERED OR UNOBLIGATED MONEYS IN
 33 REBUILD IOWA INFRASTRUCTURE FUND -- APPROPRIATION TO
 34 ECONOMIC EMERGENCY FUND. Notwithstanding section
 35 8.57, subsection 5, or any other provision of law to
 36 the contrary, moneys in the rebuild Iowa
 37 infrastructure fund that are unencumbered or
 38 unobligated at the end of the fiscal year beginning
 39 July 1, 2001, and ending June 30, 2002, not to exceed
 40 four million dollars, are appropriated to the economic
 41 emergency fund."

42 2. By renumbering as necessary.

STEVE KING

S-3731

1 Amend House File 759, as passed by the House, as
 2 follows:

3 1. Page 11, by inserting after line 22 the
 4 following:

5 "DIVISION ____
 6 STATE AID TO SCHOOLS
 7 FUND TRANSFERS

8 Sec. 100. SCHOOL AID. After applying the
 9 reduction made pursuant to executive order number 24
 10 to the appropriation for the following designated
 11 purpose, there is appropriated from the general fund

12 of the state for the fiscal year beginning July 1,
 13 2001, and ending June 30, 2002, the sum of the amounts
 14 transferred to the general fund of the state pursuant
 15 to sections 101 and 103 of this division of this Act,
 16 or so much thereof as is necessary, to supplement the
 17 appropriation for foundation aid and supplementary aid
 18 in section 257.16.

19 Sec. 101. REBUILD IOWA INFRASTRUCTURE FUND --
 20 TRANSFER TO GENERAL FUND. Notwithstanding section
 21 8.57, subsection 5, paragraph "e", a sum equal to the
 22 amount transferred to the rebuild Iowa infrastructure
 23 fund pursuant to section 102 of this division of this
 24 Act shall be transferred to the general fund of the
 25 state from the rebuild Iowa infrastructure fund for
 26 the fiscal year beginning July 1, 2001, and ending
 27 June 30, 2002.

28 Sec. 102. VISION IOWA FUND -- TRANSFER TO REBUILD
 29 IOWA INFRASTRUCTURE FUND. Notwithstanding sections
 30 12.71 through 12.77, sections 15F.101 through 15F.106,
 31 sections 15F.301 through 15F.304, or any other
 32 provision of law to the contrary, moneys in the vision
 33 Iowa fund that are unencumbered, unobligated, or not
 34 otherwise committed for a project approved for funding
 35 by the vision Iowa board on the effective date of this
 36 Act, shall be transferred to the rebuild Iowa
 37 infrastructure fund. Moneys transferred to the
 38 rebuild Iowa infrastructure fund pursuant to this
 39 section shall be used for infrastructure projects
 40 related to recreation, education, entertainment, and
 41 cultural activities.

42 Sec. 103. UNENCUMBERED OR UNOBLIGATED MONEYS IN
 43 REBUILD IOWA INFRASTRUCTURE FUND -- TRANSFER TO
 44 GENERAL FUND. Notwithstanding section 8.57,
 45 subsection 5, or any other provision of law to the
 46 contrary, moneys in the rebuild Iowa infrastructure
 47 fund that are unencumbered or unobligated at the end
 48 of the fiscal year beginning July 1, 2001, and ending
 49 June 30, 2002, not to exceed four million dollars,
 50 shall be transferred to the general fund of the

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1 state."

2 2. By renumbering as necessary.

STEVE KING

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IVERSON, STEWART E., JR. — Senator, Ninth District, Majority Leader

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JENSEN, JOHN W. — Senator, Eleventh District

Amendments filed — 391, 442, 447, 606, 709, 779, 786, 1006, 1084, 1092, 1139, 1419, 1518, 1565, 1587

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Bills introduced — 53, 67, 80, 88, 132, 283, 347, 665

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Amendments offered — 494, 810, 841, 849, 1172, 1549, 1638

Amendments withdrawn — 810, 841, 1172, 1637

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KIBBIE, JOHN P. — Senator, Fourth District, Assistant Minority Leader

Amendments filed — 150, 221, 222, 244, 245, 312, 332, 442, 447, 456, 523, 584, 606, 645, 709, 779, 834, 835, 839, 883, 897, 935, 939, 1006, 1035, 1092, 1229, 1255, 1256, 1293–1295, 1298, 1300, 1310, 1314, 1324, 1332, 1365, 1418, 1443, 1459, 1500, 1519, 1541–1546, 1550, 1565, 1566, 1579, 1632, 1641, 2573, 2575, 2576

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Resolutions introduced — 18, 225, 487, 500, 625, 880, 888, 980, 1071, 1347

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KRAMER, MARY E. — Senator, Thirty-seventh District, President of the Senate

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Amendments offered — 711, 1351, 1454, 1460, 2564, 2568

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LAMBERTI, JEFF — Senator, Thirty-third District

- Amendments filed — 157, 456, 521, 642, 839, 884, 1006, 1157, 1168, 1180, 1195, 1233, 1333, 1386, 1409, 1419, 1472, 1518, 1531, 1540, 1547, 1548, 1550, 1556, 1557, 1561, 1565, 1579, 1580, 1630
- Amendments offered — 521, 822, 896, 1180, 1233, 1244, 1409, 1540, 1547, 1550, 1554, 1557, 1577–1581, 1630
- Amendments withdrawn — 1537, 1556, 1580
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LUNDBY, MARY A. — Senator, Twenty-sixth District

- Amendments filed — 935, 1035, 1084, 1092, 1256, 1272, 1332, 1351, 1364, 1386, 1411, 1472, 1531, 1566
- Amendments offered — 935, 1218, 1341, 1351, 1411, 1412, 1531, 1583
- Bills introduced — 53, 80, 88, 105, 119, 132, 164, 189, 293, 371, 381, 382, 470, 480, 543, 589, 601, 627, 628
- Resolutions introduced — 18, 225, 279, 500, 956, 980, 1348
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MADDOX, GENE — Senator, Thirty-eighth District, Assistant Majority Leader

- Amendments filed — 456, 762, 779, 865, 939, 944, 1035, 1084, 1092, 1169, 1257, 1332, 1419, 1472
- Amendments offered — 762, 840, 1148, 1153, 1479
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McCOY, MATT — Senator, Thirty-fourth District, Assistant Minority Leader

- Amendments filed — 221, 222, 244, 245, 306, 332, 645, 740, 1006, 1035, 1168, 1211, 1255, 1256, 1292–1295, 1299, 1300, 1313, 1317, 1330, 1331, 1385, 1419, 1541, 1542, 1544–1546, 1550, 1566, 1586, 1596, 1641, 2576
- Amendments offered — 245, 249, 306, 875, 1211, 1542, 1586
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- Bills introduced — 145, 254, 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369–371, 381, 389, 414, 469, 516, 651, 665
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McKEAN, ANDY — Senator, Twenty-eighth District, President Pro Tempore of the Senate

- Amendments filed — 584, 779, 834, 865, 1072, 1169, 1195, 1365, 1419, 1566
- Amendments offered — 759, 865, 1319, 1403

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McKIBBEN, LARRY — Senator, Thirty-second District

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- Amendments offered — 161, 1060, 1085, 1148, 1260, 1262, 1343, 1353
- Amendments withdrawn — 731, 1353
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- Certificates of recognition — 432, 577, 953, 1070, 1193, 1304, 1415
- Resolutions introduced — 18, 225, 500, 888, 916, 980, 1205, 1230, 1448
- Senate committee appointments — 28
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McKINLEY, PAUL — Senator, Forty-sixth District

- Amendments filed — 442, 447, 1006, 1157, 1256, 1333, 1419, 1472, 1490
- Amendments offered — 442, 1490
- Bills introduced — 53, 80, 88, 113, 155, 283, 404
- Certificates of recognition — 185, 321, 1165, 1526, 1601
- Presiding at sessions of the Senate — 1484
- Resolutions introduced — 18, 225, 500, 625, 663, 888, 980, 1230
- Senate committee appointments — 28
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McLAREN, DERRYL — Senator, Forty-third District

- Amendments filed — 839, 859, 1006, 1035, 1084, 1169, 1566
- Amendments offered — 859, 1063
- Bills introduced — 53, 80, 88, 145, 283, 371, 601
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- Presiding at sessions of the Senate — 1421
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- Resolutions introduced — 500, 695, 738, 888, 916, 980, 1230
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- Senate File 514, S-3341, Senator Lundby — 1092; withdrawn — 1105
- Senate File 514, S-3343, Senator Lundby — 1105; withdrawn
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- Senate File 514, Senators Bartz, Iverson, Shearer — 1165; prevailed — 1244
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